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Atty. Dkt. No. 066683-0196

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Robert MARTUZA et al.  
Title: **REPLICATION-COMPETENT HERPES SIMPLEX  
VIRUS MEDIATES DESTRUCTION OF NEOPLASTIC  
CELLS**  
Appl. No.: 10/748,233  
Filing Date: 12/31/2003  
Examiner: Wu Cheng Winston Shen  
Art Unit: 1632  
Confirmation Number: 7116

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**  
**UNDER 37 CFR §1.56**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Submitted herewith on Form PTO/SB/08 is a listing of documents known to Applicants in order to comply with Applicants' duty of disclosure pursuant to 37 CFR §1.56. Some documents submitted herewith are made of record in copending Application No. 11/097,391.

A copy of each non-U.S. patent document and each non-patent document is being submitted to comply with the provisions of 37 CFR §1.97 and §1.98.

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicants do not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a *prima facie* art reference against the claims of the present application.

**TIMING OF THE DISCLOSURE**

The listed documents are being submitted in compliance with 37 CFR §1.97(b),  
Before the mailing of a first Office action after the filing of a Request for Continued Examination  
under §1.114.

**RELEVANCE OF EACH DOCUMENT**

All of the documents are in English.

Applicants respectfully request that each listed document be considered by the Examiner  
and be made of record in the present application and that an initialed copy of Form PTO/SB/08 be  
returned in accordance with MPEP §609.

Although Applicant believes that no fee is required for this Request, the Commissioner is  
hereby authorized to charge any additional fees which may be required for this Request to Deposit  
Account No. 19-0741.

Respectfully submitted,

Date 27 January 2009

By S. A. Bent

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